

REMARKS

In response to the final Office Action mailed June 9, 2005, Applicants respectfully request reconsideration. To further the prosecution of this application, amendments have been made in each of the independent claims. The application as presented is believed to be in allowable condition.

Initially, the undersigned thanks Examiners Pollack and Thompson for their courtesies in granting and conducting a telephone interview on September 6, 2005. The substance of that interview is summarized herein.

During the interview, the discussion initially focused on claim 15, and the undersigned pointed to a distinction over DeKoenig in that the path selection is performed in and by the host computer, whereas the portions of DeKoenig relied upon in the final Office Action relate to load balancing among the controllers 102, 104 performed outside of the host system and in the storage subsystem 100. The Examiners evidenced an appreciation for this distinction, and discussed whether clarifying amendments could be made to the claims to capture this distinction. The Examiners indicated that if each of the claims was amended to make clear that after a path is selected, the command is transmitted through an adapter in the host that interfaces to the physical path coupled to the device (an example such an adapter is the host bus adapters 115 illustrated in Fig. 12), the claims would be considered to overcome the prior art of record.

In view of the foregoing, each of the independent claims has been amended in the manner discussed above. Therefore, it is believed that the claims patentably distinguish over the prior art of record and are in condition for allowance.

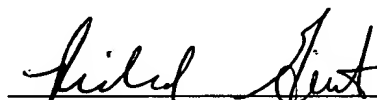
CONCLUSION

A Notice of Allowance is respectfully requested. The Examiner is requested to call the undersigned at the telephone number listed below if this communication does not place the case in condition for allowance.

If this response is not considered timely filed and if a request for an extension of time is otherwise absent, Applicant hereby requests any necessary extension of time. If there is a fee occasioned by this response, including an extension fee, that is not covered by an enclosed check, please charge any deficiency to Deposit Account No. 23/2825.

Respectfully submitted,
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